

REMARKS

Claim Amendments

Claims 194, 198-206, 209-218, 220-221, 233, 239-243, 245, 252 and 256 are amended herein. Claims 207-208 have been canceled. New claims 257-309 have been added. Accordingly, upon entry of the amendments, claims 194-206 and 209-309 are pending.

Support for these amendments can be found throughout the application as filed. No new matter has been added.

Oath

This application has been accorded Rule 1.47(a) status. *See* Decision According Status under 37 CFR 1.47(a), filed with Applicants Submission of Missing Parts in Application on October 12, 2004. As such, Applicants have shown that the non-signing inventor has refused to join in the filing of the above-identified application.

Specification

The specification has been amended to update the status of applications and include a reference to Figures 16A and B. Applicants respectfully note a reference for Figure 3C is found in the last sentence of paragraph [0040]. Accordingly, Applicants request withdrawal of the objections to the specification.

Claim Objections

Claim 206 has been amended to recite “NO₂” and claim 207 has been canceled. Claim 216 has been amended to recite SEQ. ID. No: 4 and Claim 217 has been amended to recite SEQ. ID. NO: 9 or SEQ. ID. NO: 11. Claims 221 and 239-241 have been amended to improve the syntax as suggested in the Office Action. Claim 233 has been amended to depend from claim 232 and a hyphen has been added to “high-throughout” in claim 242.

The Office Action objects to claim 232 and suggests amending the claim to recite “effect of said cell.” Applicants have not amended claim 232 as suggested in the Office Action because term “cell” is not present in claim 194. Applicants invite the Examiner to suggest an alternative amendment if this claim remains objected to after further consideration.

In light of these amendments and remarks, Applicants request withdrawal of the claim objections.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 194-256 stand rejected on written description and scope of enablement grounds because they encompass methods for screening all sweet taste receptors, including those which hybridize to SEQ ID NOS: 9 or 10, or fragments thereof.

As amended, the claims recite methods of identifying a compound that potentially modulates T1R2/T1R3 (sweet) receptor associated taste in a subject, wherein said T1R2 and T1R3 are polypeptides encoded by specific SEQ ID NOs, encoded by nucleic acid sequences that hybridize to specific SEQ ID NOs under stringent hybridization conditions, or are amino acid sequences having at least 90% sequence identity to specific SEQ ID NOs. The claims have also been amended to delete the recitation of fragments. Applicants note the recitation of “at least 90% sequence identity” and the hybridization conditions set forth in the instant claims is consistent with the claim language of U.S. Patent No. 6,955,887.

Claims 194-256 also stand rejected on enablement grounds because, the specification, while being enabling for methods of screening for compounds which modulate SEQ ID NO: 6 and 7, does not reasonably provide enablement for methods of screening for compounds which elicit a response in the SEQ ID NO: 6/7 dimer.

Applicants have amended the claims to delete the recitation of “elicits” and “activation.” As amended, the claims are relate to screening and identifying compounds that modulate the activity of the T1R2/T1R3 receptor. Methods of screening and identifying compounds that modulate the activity of this G-protein coupled receptor may be performed using well known techniques detailed in the specification and dependent claims. *See e.g.*, paragraphs [0197]-[0238] of the specification.

In light of these amendments and remarks, Applicants respectfully request withdrawal of the written description and enablement rejections.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 194-256 are rejected over the phrase “elicits.” Applicants have amended the claims to delete the reference to “elicits.”

Claims 194-256 are also rejected over the phrase “activation.” Applicants have amended the claims to delete the recitation of “activation.” As amended, the claims are relate to screening and identifying compounds that modulate the activity of the T1R2/T1R3 receptor. Methods of screening and identifying compounds that modulate the activity of this G-protein coupled receptor may be performed using well known techniques detailed in the specification and dependent claims. *See e.g.*, paragraphs [0197]-[0238] of the specification.

Claims 198-205 and 209-217 are rejected over the phrase “contained in.” Applicants have amended the claims to change “contained in” to “of.”

Claims 207, 208 and 218 are rejected over the phrase “in association with.” Applicants have canceled claims 207-208 and amended claim 218 to delete “in association with.”

Claims 218 are rejected over the phrase “stringency conditions.” Applicants have amended the claims to recite exact hybridization conditions as suggested in the Office Action.

Claim 220 is rejected over “said cell.” Applicants have amended this claim to depend from claim 219 as suggested in the Office Action..

Provisional Obviousness-Type Double Patenting

The Office Action provisionally rejected claims 194-256 under the judicially created doctrine of obviousness-type double patenting over claims 194-229 of co-pending Application No. 10/725,037, claims 194-234 of co-pending Application No. 10/725,103, and claims 194-235 of co-pending Application No. 10/725,472.

Applicants respectfully request this rejection be held in abeyance until this application is in condition for allowance.

CONCLUSION


It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

It is believed that no fees are required for entry of this response, but should any fees be necessary, the Commissioner is authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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